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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,557	01/16/2002	Daniel Roy Schlee	SCHLEE0201	9638
24507 7590 06/23/2008 MICHAEL BLAINE BROOKS, P.C. P.O. BOX 1630 SIMI VALLEY, CA 93062-1630				
EXAMINER				
NGUYEN, TRI V				
ART UNIT		PAPER NUMBER		
1796				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/051,557

Applicant(s)

SCHLEE, DANIEL ROY

Examiner

TRI V. NGUYEN

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1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/14/08 has been entered.

Response to Amendment

2. Upon entry of the amendment filed on 04/14/08, Claims 48, 49, 51, 52 and 55 are amended and Claims 1-47 are cancelled. The currently pending claims considered below are Claims 48-55.

3. The declaration under 37 CFR 1.132 filed 04/02/08 is insufficient to overcome the rejection of claims 48-55 because of a new ground rejection. In particular, the Postrel reference teach the method of targeted coupons with the features of second and third parties issuers, the Barnett reference teaches the system in which manufacturer's coupons are distributed to targeted customers and the GMA reference teaches various manufacturer's parameters. It is noted that a retailer coupon and manufacturer coupon are well known in the art as shown by Ewoldt.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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5. Claims 48, 49, 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Postrel in view of Barnett et al. (US 6321208), the GMA press release ("GMA, Joint Industry Coupon Committee Unveil Comprehensive New Report on Couponing; Study Offers Key Learnings, Voluntary Guidelines to Make Process More Efficient, Effective." Jan 9 1998, GMA website: <http://www.gmabrands.org/news/docs/NewsRelease.cfm?DocID=133>) and Ewoldt (Clip & Save these tips. Chicago Sun - Times, April 18, 1999 page 47).

Claim 48: Postrel discloses a method comprising the steps of:

- a) providing a relational database of a plurality of participating consumers in a host computer, the relational database comprising personal data and demographic data associated with each consumer of the plurality of participating consumers, the personal data and demographic data for each consumer originating from at least one of: the consumer and a third party (Postrel: parag. 11, 15, 18, 34 and 37); and
- b) interfacing between the host computer and one or more promoters wherein the one or more promoters are manufacturers, the interfacing comprising:
 - i) inputting, by each manufacturer, information comprising: manufacturer data comprising textual content and image content associated with the manufacturer; and a Uniform Code Council (UCC) code assigned to the manufacturer; brand name data; and product data comprising: a unique UCC code assigned to each product of each manufacturer; and content for each product comprising textual content for each product and image content for each product, wherein the content further comprises a product description, a brand name and a product size indicia (Postrel: parag. 11, 15, 18, 34 and 37); and
 - ii) inputting data for consumer selection, by each manufacturer, the data for consumer selection comprising: textual content and image content associated with the

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manufacturer; textual content and image content associated with a product of the manufacturer; and a promotional material comprising a coupon comprising: the UCC code assigned to the manufacturer; a family code; a UCC value code; a UCC extended bar code; a coupon offer code; a description of one or more products required to be purchased to redeem the promotional material; and an expiration date(Postrel: parag. 11, 15, 18, 34 and 37);

iii) inputting one or more target consumer profiles comprising: gender; age; delivery interval; and one or more zip code regions for promotional material delivery;

iv) specifying, via the host computer, promotional material content comprising: the UCC code assigned to the manufacturer, the family code, the UCC value code, the UCC extended bar code, the coupon offer code, the description of one or more products required to be purchased to redeem the promotional material; and the expiration date (Postrel: parag. 11, 15, 18, 34 and 37);

v) querying the relational database to obtain query results (Postrel: parag. 11, 15, 18, 34 and 37);

vi) forming a list of consumers from the query results to receive the specified promotional material, the list including a representative consumer having a consumer identification (Postrel: parag. 11, 15, 18, 34 and 37); and

vii) saving the query results (Postrel: parag. 11, 15, 18, 34 and 37); and

c) interfacing between the host computer and one or more consumers comprising the steps:

i) subscribing by each consumer (Postrel: parag. 11, 15, 18, 34 and 37);

ii) offering one or more promotional materials via an online interface for selection by the one or more consumers (Postrel: parag. 11, 15, 18, 34 and 37); and

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- iii) recording a selection of at least one promotional material made by the one or more consumers (Postrel: parag. 11, 15, 18, 34 and 37); and
- d) generating manufacturer promotional materials, comprising:
 - i) a coupon barcode, comprising: the UCC code assigned to the manufacturer; the family code; the UCC value code (Postrel: parag. 11, 15, 18, 34 and 37);
 - ii) the extended barcode;
 - iii) a manufacturer/military coupon indicator;
 - iv) the expiration date (Postrel: parag. 11, 15, 18, 34 and 37);
 - v) the coupon offer code; and
 - vi) a consumer identification code comprising a serial number and a bar code representation of serial numbers; and
- e) distributing the promotional material to a physical address of a consumer (Postrel: parag. 11, 15, 18, 34 and 37).

Claim 49: Postrel discloses the method of claim 48, the method further comprising the steps of:

- a) interfacing between a host computer and one or more promoters wherein the one or more promoters are retailers, the interfacing comprising:
 - i) inputting, by each retailer, consumer selection information comprising: retailer data comprising textual content and image content associated with the retailer; an offer code; and a coupon value (Postrel: parag. 11, 15, 18, 34 and 37);
 - ii) inputting one or more target consumer profiles comprising gender, age, zip code region, and delivery interval;
 - iii) specifying promotional material content, by each retailer, comprising: an offer code, an expiration date, and a coupon value (Postrel: parag. 11, 15, 18, 34 and 37);

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- iv) querying the relational database to obtain query results (Postrel: parag. 11, 15, 18, 34 and 37);
- v) forming a list of consumers from the query results to receive the specified promotional material, the list including a representative consumer having a consumer identification (Postrel: parag. 11, 15, 18, 34 and 37); and
- vi) saving the query results (Postrel: parag. 11, 15, 18, 34 and 37); and
- b) generating manufacturer and retailer promotional materials, comprising:
 - i) manufacturer promotional materials comprising: a coupon barcode, comprising: the UCC code assigned to the manufacturer; the family code; the UCC value code;
 - ii) the extended barcode;
 - iii) a manufacturer/military coupon indicator;
 - iv) the expiration date (Postrel: parag. 11, 15, 18, 34 and 37);
 - v) the coupon offer code; and
 - vi) a consumer identification code comprising a serial number and a bar code representation of serial numbers; and retailer promotional materials, comprising:
 - i. an offer code,
 - ii. an expiration date, and
 - iii. a consumer identification code comprising a serial number and a bar code representation of serial numbers; and
- b) distributing the coupon to a physical address of a consumer (Postrel: parag. 11, 15, 18, 34 and 37).

Thus, Postrel teaches the process that includes various participating entities and packages with services and products (parag. 24). However, Postrel does not explicitly disclose the features of

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a manufacturer's coupon, textural or image contents, a targeted profile based on various criteria such as age, gender or zip code regions. In an analogous art, Barnett et al. disclose a process of distributing manufacturer coupons targeted to subscribed customers based on profiling features such as location/zip code and demographics (abstract; col 4, lines 34-38; col 9, lines 46-53; col 10, lines 17-31 and col 12, lines 26-65). In Figure 5, Barnett et al. show the graphics and textual content of a manufacturer's coupon. The GMA reference teaches the feature of coupon standards (pages 1 and 2) and the Ewoldt reference teaches that retail and manufacturer's coupon are well known (page 1). The claims would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan. The adaptation of the coupon distribution method to specific practices would be well within the purview of skill artisan in the art of marketing at the time of the invention. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Postrel. One would have been motivated to enhance brand name recognition via the distribution and consumption of the coupons and to restrict or define a specific geographical region in the distribution of the coupons for marketing purposes (e.g. targeted promotional campaign).

Claims 52 and 53 describe the system of the method of Claims 48 and 49 respectively; therefore, the prior art of Postrel, Barnett, GMA and Ewoldt as set forth above is relied upon to reject Claims 52 and 53.

6. Claims 50, 51, 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Postrel in view of Barnett, GMA and Ewoldt and further in view of Gupta et al.

Postrel, Barnett, GMA and Ewoldt disclose the coupon distribution method but do not explicitly disclose the feature of nutritional data associated with the coupon. In an analogous art, Gupta et al. disclose the feature of a nutritional data in the process coupon distribution (col 1, lines 15-36). The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan. The adaptation of the coupon distribution method to specific product would be well within the purview of skill artisan in the art of marketing at the time of the invention.

Claims 54 and 55 describe the system of the method of Claims 50 and 51 respectively; therefore, the prior art of Postrel, Barnett, GMA, Ewoldt and Gupta as set forth above is relied upon to reject Claims 54 and 55.

Response to Arguments

7. Applicant's arguments with respect to claims 48-55 have been considered but are moot in view of the new ground(s) of rejection. In particular, Postrel is relied upon to the overall schematic of a targeted coupon process and the Barnett, GMA, Ewoldt and Gupta references are relied upon to teach the specific features of a manufacturer's coupon in the process.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRI V. NGUYEN whose telephone number is (571)272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. V. N./
Examiner, Art Unit 1796
June 25, 2008

/Eric W. Stamber/
Supervisory Patent Examiner, Art Unit 3622